

MONTENEGRO 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and parliament approves, the prime minister. An observation mission of the Office for Democratic Institutions and Human Rights (of the Organization for Security and Cooperation in Europe) stated that the August 2020 parliamentary elections were transparent and efficient overall. Nonetheless, the Office highlighted that the ruling party gained an undue advantage through misuse of office and state resources and dominant media coverage, which undermined the quality of information available to voters. Milo Djukanovic, president of the Democratic Party of Socialists, was elected president in 2018 with nearly 54 percent of the vote in the first round for his second term as president. He had previously served six terms as prime minister. Observers from the Organization for Security and Cooperation in Europe, the European Parliament, and the Council of Europe's Parliamentary Assembly noted the election proceeded in an orderly manner but had minor irregularities that did not affect the outcome. Despite opposition protests, elections were generally considered free and fair.

The National Police Force, which includes Border Police, is responsible for maintaining internal security. It is organized under the Police Administration within the Ministry of Interior and reports to the police director and, through the director, to the minister of interior and prime minister. Civilian authorities maintained effective control over the security forces. There were reports members of the security forces committed some abuses.

Significant human rights issues included credible reports of: alleged torture by agents of the government; serious problems with the independence of the judiciary; serious restrictions on free expression, including threats of violence against journalists; serious government corruption; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence; crimes involving violence or threats of violence targeting persons with disabilities and members of national, racial, or ethnic minority groups; and crimes

involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

Impunity remained a problem, and the government did little to identify, investigate, prosecute, or punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On September 30, the trial began of Slobodan Pekovic, accused of the 1992 killings of two Bosniaks and rape of a civilian while serving as a soldier for the Bosnian Serb Army in the Bosnian town of Foca. This was the first trial in Montenegro for sexual violence committed during the war in Bosnia and Herzegovina. Pekovic, who was arrested in October 2021, remained in custody and was deemed a flight risk.

Nongovernmental organizations (NGOs), including Human Rights Action, and other human rights organizations continued to criticize the government's lack of progress in war crimes prosecution, as well as victim recognition and compensation.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While Montenegro ratified the European Convention on Human Rights and such practices are prohibited by domestic law, there were reports alleging that police tortured suspects and that beatings occurred in prisons and detention centers across the country. The government prosecuted some police officers and prison guards

accused of overstepping their authority, but there were delays in the court proceedings. NGOs noted that several police officers found to be responsible for violating the rules of their service, including cases of excessive use of force, remained on duty. The Office of the Ombudsman received complaints alleging police torture, noting that most complaints involving criminal proceedings did not result in heavy penalties. In 2021, the most recent year for which data were available, the Ombudsman received 163 cases based on complaints from persons deprived of liberty alleging different forms of abuse or lack of respect for their right to trial within a reasonable time. The majority of the complaints received were against the Police Directorate (72) and the Administration for the Execution of Criminal Sanctions (UIKS) (62). A smaller number of complaints were against the Special Psychiatric Hospital in Kotor, the Ministry of Justice, the Ministry of Interior, the Directorate for Inspection Affairs, the Agency for National Security, the Clinical Center of Montenegro, as well as different prosecution offices and courts.

Credible reports on the sporadic use of torture resulting in severe physical or mental pain or suffering were received. Detained suspects or prisoners were more likely to be subjected to such treatment by police or prison officials. The NGO Human Rights Action (HRA) reported that at least 19 persons filed serious complaints alleging extortion of confessions by torture in 2020 and 2021. The incidents were mostly alleged to have occurred in the Security Center Podgorica under the authority of inspectors and officers of the Unit for the Fight Against Organized Crime and Corruption. The HRA noted that to date no one had been punished in those cases, and only two cases resulted in indictments. In its 2022 report, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted that it was in this initial period prior to formal charging that most victims allege torture occurs. The Ministry of Internal Affairs State Secretary reported there was no evidence of systemic torture in the country, while acknowledging that individual incidents may have occurred.

Impunity remained a problem in the security forces, particularly among police and prison officers. Domestic NGOs cited corruption; lack of transparency; a lack of capacity by oversight bodies to conduct investigations into allegations of excessive

force and misuse of authority in an objective and timely manner; and political influence over prosecutors and officials within the Police Administration and the Ministry of Interior as factors contributing to impunity. Despite the existence of multiple, independent oversight bodies, NGOs and the Council for Civilian Control of Police Operations noted a pervasive unwillingness of police officers to admit human rights abuses or misuses of authority were committed. During the year authorities offered numerous training sessions, often in conjunction with international partners, and held working groups dedicated to the promotion and protection of human rights in the country.

Domestic NGOs reported government authorities made little progress in addressing the problem of police mistreatment and other shortcomings in the Internal Control Department of the Ministry of Interior. They cited a lack of strict competitive recruitment criteria and training for police officers; the absence of effective oversight; and the need for prosecutors to conduct more thorough and expeditious investigations into cases of alleged mistreatment by police officers. NGOs also noted there was an ongoing need for prosecutors to carry out timely investigations. NGOs noted the lack of designated interrogation rooms, including audio and video equipment to record interrogations and help deter mistreatment, continued to be a problem.

The ombudsman reported a passive approach on the part of detention center officials when reports of serious abuse occurred. The ombudsman noted there was a lack of effective and efficient investigations, which often further increased the public perception of impunity for security officials.

Prison and Detention Center Conditions

Prison and pretrial detention facilities were poor due to overcrowding and limited access to medical care. There were some reports regarding prison and detention center conditions that raised human rights concerns.

Abusive Physical Conditions: There were some abusive physical conditions in prisons and pretrial detention facilities due to overcrowding and limited access to medical care. The CPT reported problematic levels of prison overcrowding, i.e., less than 32.3 square feet of space per inmate in multiple-occupancy cells in

certain sections, and remand prisoners awaiting trial confined to their cells for 23 hours a day without being offered activities for months or years. Material conditions in police stations the CPT visited were not suitable for detaining persons for up to 72 hours due to structural deficiencies such as poor access to natural light, inadequate ventilation, poor conditions of hygiene, and irregular provision of food. NGOs reported that detainees who were addicted to drugs or had mental disabilities, continued to face difficulties in obtaining adequate treatment while detained.

Prisoner-on-prisoner violence remained a persistent problem at the remand prison and the Institute for Sentenced Prisoners. During the year there were reports of violence in the country's primary prison attributed to the long-standing "war" between the country's two main organized criminal groups. Prison authorities managed the situation by taking special measures such as preventing contact between members of opposing criminal groups, providing close personal supervision of individuals, and conducting random periodic searches of their persons and accommodations. There were widespread allegations that prison employees cooperated with members of organized criminal groups. The NGO Civic Alliance and the Office of the Ombudsman noted in their June reports that prisoners complained about waiting long periods of time for specialized medical examinations and indicated problems in communication with the psychiatrists in the prison system. According to the HRA, instances of prison and police torture and mistreatment were significantly under-reported, due in part to intimidation by police officers and a lack of due diligence by prison doctors.

Administration: Authorities conducted investigations of credible allegations of mistreatment, but they usually did so in reaction to media campaigns or upon the ombudsman's recommendation. Results of investigations were generally made available to the public.

Independent Monitoring: The government permitted visits to prisons by independent nongovernmental observers, including human rights groups and media, and international bodies such as the CPT. Even when monitors visited on short notice, prison authorities allowed them to speak with the prisoners without the presence of a guard. In June, a delegation of the CPT carried out an official visit to the country to examine detention center conditions and the treatment of

persons deprived of their liberty by the police. The CPT reviewed police oversight and the implementation of legal safeguards prohibiting ill-treatment of prisoners. The delegation also reviewed the implementation of the 2017 recommendations made by the Committee during its previous visit. In its shadow report on the country's adherence to CPT recommendations, the HRA recommended changes to several parts of the criminal code, including strengthening potential penalties, reducing options for suspended sentences, amnesty, and pardons, and increasing access to legal representation and medical attention while detained.

Improvements: Improvements in physical facilities, staffing levels, and training for guards continued throughout the year. According to NGO reports, some improvements were made to nutrition and health-care services, staffing, and the work environment. The number of family visits also increased. Authorities took additional measures to address shortcomings noted by the CPT, including the renovation of portions of the central prison and detention centers.

According to the European Commission's *2021 Progress Report on Montenegro*, during recent years some progress was made in the prison system and in the conditions of detention. Following the 2020 amendments to the law on enforcement of prison sentences, new fines, security measures, and respective by-laws were adopted to improve the government's enforcement of prison sentences. Several NGOs implemented educational, recreational, and vocational activities for prisoners, including staff capacity building. Psychological, social and resocialization services were also provided at the detention and rehabilitation center for juveniles in Podgorica.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government usually observed these requirements. Detainees have a right to be compensated in cases of unfounded detention, and the government generally follows these requirements.

Arrest Procedures and Treatment of Detainees

Arrests require a judicial ruling or a "reasonable suspicion by police that the

suspect committed an offense.” Police generally made arrests using warrants issued by judges and based on sufficient evidence. The law requires a suspect be brought promptly before a judicial officer and charged with a crime, but those rights were not always respected. Police and prosecutors may detain suspects for up to 72 hours before bringing them before a judge and charging them. Although the law prohibits excessive delay in filing formal charges against suspects and in conducting investigations, delays sometimes occurred, without punitive repercussions for authorities responsible. At arraignment, judges make an initial determination about the legality of the detention, and arraignment usually occurred within the prescribed period.

Courts increasingly used bail. Judges may also release defendants without bail and limit their movements, impose reporting requirements on them, or retain their passports or other documents to prevent flight. The law permits a detainee to have an attorney present during police questioning and court proceedings, and detainees generally had prompt access to a lawyer. Although the law requires legal assistance be made available to those in need, government financial constraints sometimes limited the quality and availability of assistance. The law restricts free legal assistance to those noncitizens who did not have “money or belongings of high value.” Authorities must immediately inform the detainee’s family, common-law partner, or responsible social institution of an arrest, and they usually did so.

Arbitrary Arrest: Police continued to summon witnesses and suspects to police stations for “informational talks” and allegedly used this practice to curb hooliganism during soccer matches. This practice generally did not involve holding suspects longer than the six hours allowed by law, nor did it typically result in charges.

Pretrial Detention: Courts frequently ordered the detention of criminal defendants pending trial. The law sets the initial length of pretrial detention at 30 days but permits prosecutors to increase it by five months. Counting extensions granted by trial judges, detention could potentially reach up to three years from arrest through completion of the trial or sentencing. The average detention lasted between 90 and 120 days. The length of pretrial detention was usually shorter than the maximum sentence for the alleged crime. Authorities stated that pretrial detainees on average accounted for 30 percent of the prison population. Police

often relied on prolonged pretrial detention as an aid to gain additional time to investigate crimes. The backlog of criminal cases in the courts also contributed to prolonged detention. The courts continued to reduce the backlog gradually.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the government generally did not respect judicial independence and impartiality. Some NGOs, international organizations, and legal experts asserted that political pressure, corruption, and nepotism influenced prosecutors and judges. The process of appointing judges and prosecutors remained somewhat politicized, although the constitution and law provide for a prosecutorial council to select prosecutors and a judicial council to select judges.

Inadequate funding and a lack of organization continued to hamper the effectiveness of the courts. In addition, persistent delays in fulfilling key judicial appointments, including those on the Supreme Court, hindered judicial efficacy. The law provides for plea bargaining for all crimes except war crimes and those related to terrorism.

Trial Procedures

The constitution and law provide for the right to a fair and public trial and the judiciary generally enforced that right. The judiciary was unable to hold all criminal trials publicly due to a shortage of proper facilities. The shortage also affected the timeliness of trials. Systemic weaknesses, such as political influence and prolonged procedures, inconsistent court practices, and relatively lenient sentencing policy, diminished public confidence in the efficiency and impartiality of the judiciary. Lenient sentencing policies also discouraged the use of plea agreements, since they left little maneuvering room for prosecutors to negotiate better terms, thereby contributing to inefficiency in the administration of justice.

Courts may try defendants in absentia but by law must repeat the trial if the convicted individuals are later apprehended.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for violations of constitutionally recognized human rights. Although parties brought suits alleging human rights violations and at times prevailed, the public perception that the system was subject to nepotism, corruption, and political influence persisted. According to NGOs, courts in most cases either rejected civil cases involving claims of human rights violations or proceeded on them slowly. When domestic courts issued decisions pertaining to human rights, the government generally complied with them. The Office of the Ombudsman noted that the number of complaints of alleged judicial violations of citizens' rights was higher than in previous years, including violations of the right to a presumption of innocence and of the right to privacy.

Upon exhausting all other available effective legal remedies, citizens may appeal alleged violations of human rights to the Constitutional Court. The Constitutional Court has the authority to review all alleged constitutional and human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to an appropriate court or other authority to rectify the deficiency. NGOs and some regulatory bodies expressed frustration with the work of the Constitutional Court, arguing that the lengthy proceedings before returning a decision violated citizens' rights to a speedy trial. In September, the retirement of a Constitutional Court judge left that seven-member body short of a quorum and thus unable to fulfill its duties. Critics asserted that parliament repeatedly failed to elect new judges to fill vacancies, which totaled four at year's end.

There were also administrative remedies for violations of constitutionally protected human rights. In cases of police abuse, citizens may address complaints to the Council for Civilian Control of Police Operations, which may then make recommendations for action to the chief of police or the interior minister. The Office of the Ombudsman noted that even before operational delays caused by the

COVID-19 pandemic, the long duration of trials, especially those that were deemed a high priority, eroded citizens' trust in the court system. Distrust was particularly pronounced in disputes dealing with the establishment or termination of employment or the right to earnings and other wages.

Once national remedies are exhausted, individuals, regardless of citizenship, may appeal cases alleging government violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR). Most complaints to the ECHR alleged violations of the right to a fair trial, including trial length. The government has traditionally complied with ECHR decisions.

Property Seizure and Restitution

The government has property seizure and restitution laws and mechanisms in place, but NGOs and advocacy groups reported that it did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The pre-World War II Jewish population was estimated to have been approximately 30 individuals, with no identified synagogue or communal property. There was one claim for restitution regarding Holocaust-era properties that involved the palace of the Marassi family, which the Society of Jewish Women from Belgrade bought in 1925 and utilized as a summer house for children. The property was confiscated by the Council of the National Liberation of the Kotor Municipality in 1956. The case was pending at year's end.

The country's restitution law was most recently amended in 2007, and the country has not passed any laws dealing with restitution following the endorsement of the Terezin Declaration in 2009, nor did it make any special provisions for heirless property from the Holocaust era. The passage of a law on the restitution of religious or communal properties would have minimal impact on the Jewish community, in view of its small size and the absence of identified prewar Jewish communal property. Any such legislation would mainly apply to properties confiscated from the Serbian Orthodox and Roman Catholic Churches during the communist era.

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Private individuals, NGOs, and

the Serbian Orthodox Church criticized the government for delays in addressing this problem.

For additional information regarding Holocaust-era property restitution and related matters, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress at <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions; however, human rights organizations such as the NGOs Network for Affirmation of the NGO Sector (MANS) and Institute Alternativa alleged that authorities engaged in illegal wiretapping and surveillance.

In December 2021 the Special State Prosecutor filed a bill of indictment against former National Security Agency Director Dejan Perunicic and former agency agent Srdja Pavicevic for abuse of office, illegal wiretapping, and illegal surveillance carried out from January to September 2020 on several opposition leaders, the former Special Prosecutor, the Serbian Orthodox metropolitan, and two journalists critical of the former government. Three criminal proceedings were joined together and the trial, which remained closed to the public, was ongoing at year's end.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected these rights. An increasing trend of hate speech, verbal threats and insults against journalists and civil activists, and unresolved attacks on journalists undermined freedom of expression.

Freedom of Expression: Media generally expressed a wide variety of political

and social views, including criticism of the government. Media regulators intervened several times during the year to curtail the rebroadcast of material from Serbia and Russian state-owned media.

Several times throughout the year, opposition parties urged the country's Agency for Electronic Media (AEM) to ban rebroadcasting of programming from multiple Serbian tabloid television stations for reportedly spreading hate speech.

On January 8, the AEM also imposed a six-month ban of Serbia-based broadcaster *Happy TV* for "inciting and enabling incitement to hatred, intolerance, and discrimination against members of the Montenegrin nationality." AEM accused the broadcaster of abusing freedom of expression and violating the European Convention on Transfrontier Television, which prohibits programs that promote violence and intolerance, and inciting hatred based on race, sex, religion, or nationality. The ban followed an interview with convicted war criminal Vojislav Seselj, who made disparaging remarks about ethnic Montenegrins.

Following the government's April 8 decision to align with EU sanctions and impose restrictions on certain Russian individuals and entities, including state media outlets, on April 20 the AEM banned *Russia Today* and *Sputnik* programs. The AEM urged all audio-visual media service providers to suspend airing or distributing programs of both Russian state-owned media via any means, including cable, satellite, IPTV, internet services, video sharing platforms, or applications.

On September 2, the AEM banned for six months the broadcasting of the morning program of *Pink M Television*, Montenegro's affiliate station of a Serbia-based broadcaster, for inappropriate and sensationalist reporting of a mass murder in Cetinje earlier in the month. The AEM stated that *Pink M* violated the European Convention on Transfrontier Television, including specifically the obligation of broadcasters to respect the dignity of human beings and the basic rights of others.

Violence and Harassment: There were no reports that the government used violence against the media; however, government officials denounced media outlets critical of the government. Unsolved attacks from previous years contributed to an atmosphere of intimidation against media.

On September 11, the Basic Prosecutor's Office launched an investigation into

threatening messages received by the editor of the online *M Portal*, Danica Nikolic, on September 10. The unknown individual/s emailed Nikolic, warning that she “will hang on a pole as an example.” Similar threats were also sent to other journalists, civic activists, and politicians. The *M Portal* had previously accused caretaker Prime Minister Dritan Abazovic of creating a hostile media environment through his August 20 and September 5 statements alleging ties between the Portal and several other media organizations (*Pobjeda*, *Gradska TV*, *CdM*, *Analitika*, and *Antena M*) and criminals. The Ministry of Culture and Media, multiple political parties, the ombudsman, and several NGOs condemned the threats against Nikolic. On September 11, *Gradska TV* urged police to assess the safety of its journalists and managers, claiming that Abazovic’s statements exposed them to increased threats via social media and in public. In response, the prime minister’s political party, United Reform Action (URA), accused *Gradska TV* on September 12 of “spreading hatred and intolerance” by continuously targeting Abazovic.

There were no reports regarding progress investigating the gravest attacks on journalists from previous years, such as that into the 2004 killing of Dusko Jovanovic, the editor and chief of the daily newspaper *Dan*. In May Prime Minister Abazovic called on the government to take steps to solve the murder.

There was also no progress in solving the 2018 shooting of *Vijesti* investigative reporter Olivera Lakic in Podgorica. Although police arrested two suspects in December 2021, including a police officer, on suspicion of involvement in the shooting, authorities did not file formal charges against anyone during the year.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Independent and pro-opposition media alleged unfair treatment and economic pressure from government ministries and agencies. Low salaries and political pressure contributed to self-censorship.

Nongovernmental Impact: Journalists continued to face intimidation, threats of violence, and attacks from unknown individuals for their reporting, including reporting on corruption and smuggling.

On June 18, police arrested Elvis Palavrtic from Plav on charges that he verbally

assaulted journalist Jadranka Cetkovic from the daily *Vijesti* on June 17 in front of the High Court in Bijelo Polje and prevented her from photographing him. The NGO Center for Civic Education lamented that verbal and physical attacks on journalists have become common in the country, while the Minister of Culture and Media condemned the attack. On April 19, in a separate incident in front of the same courthouse, Cetkovic was verbally attacked by Amel Zejnilovic who attempted to seize her cell phone.

On September 1, an activist from the May 21 Civic Movement and columnist of the *Café del Montenegro* (CdM) portal, Ljubomir Filipovic, along with film director Stevan Filipovic, received death threats on Instagram in response to their publicly expressed opinions. The threats came from a person who photographed himself with a weapon and stated on social media posts, “On a boar hunting trip through Budva, [for] Ljubo[mir] and Stevan Filipovic.” Filipovic also received additional death threats via social media on August 6.

On November 2, the Montenegro Media Institute reported that 19 attacks on journalists took place in the first 10 months of the year, and an additional 28 attacks occurred in 2021. According to data from the Media Trade Union, the number of attacks and threats against journalists totaled 70 during the last three years, with most of the threats taking place on social media or while journalists covered political gatherings and protests.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights. COVID-19-derived public health restrictions included restrictions on movement for persons in isolation, which some citizens claimed was a violation of their rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Between the start of Russia's full-scale invasion of Ukraine on February 24 and August 31, more than 60,000 Ukrainians arrived in Montenegro, 15,000 of whom reportedly remained in the country by the end of November. The government cooperated with the Red Cross, UNHCR, and the International Organization for Migration to provide housing, necessities, and other assistance to the refugees. As of the end of November, the government had granted temporary protection status for up to a year to 6,534 Ukrainian refugees from the war (citizens of Ukraine, persons without citizenship with their last residence in Ukraine, and persons granted international protection in Ukraine). Within the program of temporary protection, the government offered Ukrainian refugees free medical care, education, limited accommodation, and eligibility for employment. In addition to its previously established office in Podgorica, UNHCR opened three additional offices offering free legal assistance to Ukrainian refugees, in Bar, Budva, and Herceg Novi.

Access to Asylum: The law provides for granting refugee or subsidiary protection status, and the government established a system for providing protection to refugees. Authorities did not employ methods for managing mixed migration movements effectively, such as prioritization or accelerated procedures.

The NGO Civic Alliance alleged that in contravention of asylum seekers' rights, police stations frequently delayed or refused to accept declarations of asylum, instead insisting that applicants could only declare asylum once they physically reached the asylum centers in Spuz or Bozaj.

During the first eight months of the year, the country continued to record transitory movements of migrants and refugees along the Western Balkans route and a considerable number of applications for asylum by citizens of Russia, Cuba, and Ukraine.

During the year, the backlog of asylum applications pending more than six months decreased and the government made significant efforts to resolve at the first-instance level all pending applications within a six-month period. Although the deadline for a decision is set at six months, it may be extended up to 21 months. Of the 168 asylum applications received during the year, only nine (5.3 percent) were approved.

On January 14, the government extradited Russian national Nikolai Kajmakchi, who was in detention due to a Moscow-based Interpol arrest warrant, despite his having a pending application for asylum.

Employment: There were credible reports that Ukrainian refugees faced challenges in receiving timely temporary protection status certificates required for employment and government services. Other asylum seekers residing in the country for more than nine months received a personal identification number, which allowed them to register with the Employment Agency and be legally employed. This system was functional, however, only in a small number of municipalities. UNHCR continued its advocacy with the Ministry of Interior to timely issue personal identification numbers to all Ukrainian refugees and at least to those asylum seekers eligible to work.

Access to Basic Services: Once the asylum procedure was initiated, asylum seekers were granted access to free health care and education for minor applicants in line with international standards, although barriers to access, including language and cultural differences, sometimes limited practical access. Both asylum seekers and refugees had difficulties obtaining documents, and thus accessing services

such as health care. Throughout the year, newly recognized refugees continued to face problems with the Ministry of Interior in obtaining identification documents after receiving refugee status, limiting their access to social and economic benefits. For example, while many were granted financial assistance from the government, this assistance generally came via a bank account, which many newly arrived persons lacked.

Durable Solutions: A path to citizenship for refugees was available but required evidence that the applicant had renounced citizenship in his or her country of origin, often not possible to obtain. The government provided support for the voluntary return or reintegration of displaced persons from countries of the former Yugoslavia. Those who chose the option of integration rather than return to their country of origin enjoyed access to basic services and naturalization in the country. Naturalized citizens were eligible to vote two years after naturalization.

Temporary Protection: The government also provided international protection (called subsidiary protection) to individuals who may not qualify as refugees.

f. Status and Treatment of Internally Displaced Persons

Ministry of Interior statistics indicated that between 2009 and September 2022, it received 15,258 applications by displaced persons (DPs) from the former Yugoslavia to resolve their residency status in the country. During the referenced period, 11,783 individuals received permanent resident status, 70 received temporary resident status, and 56 applications remained pending. A significant number of applications were submitted multiple times. Individuals with temporary residence up to three years and persons with pending applications still needed to acquire identity documents, such as birth and citizenship certificates or passports from their country of origin, to complete the application process and obtain permanent resident status.

Persons whose applications for “foreigner with permanent residence” status were pending with the Ministry of Interior continued to hold the legal status of displaced persons or internally displaced persons (IDPs). Some persons who were entitled to apply faced difficulties in obtaining the required documentation, particularly in regularizing previously unregistered births or paying the fees required to procure

documents.

With support of the UNHCR, the government, together with the government of Kosovo, continued to assist displaced Roma and Balkan-Egyptians in obtaining personal identification documents under a Montenegro-Kosovo agreement on late registration of births of persons born outside the hospital system. From May 2014 to September 2022, approximately 1,400 persons received assistance through this cooperation, while fewer than 40 others remained in need of Kosovo documents to acquire permanent residence status in Montenegro.

In February the government passed a decision to ease the criteria for receiving citizenship. Under the decision, five years of temporary and five years of permanent residence would replace the previous 10 years of permanent and uninterrupted residence needed to acquire citizenship. In response, an opposition party announced that it would file criminal charges against outgoing Prime Minister Zdravko Krivokapic for abuse of office, contending that most of the new potential citizens would be Serbs who would presumably support the then ruling parties. Opposition parties further accused the outgoing government of planning to change the demographic and political structure of the country.

Conditions for IDPs and DPs from the Yugoslav was varied. Access to employment, health care, and social services was sometimes limited due to language barriers, insufficient integration programs, a lack of documentation, or unclear or inconsistent administrative procedures. According to UNHCR, many remained vulnerable, in need of support to become self-reliant, and continued to live below the poverty line.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country was a party to the Regional Housing Program (RHP), facilitated by international donors, to provide durable solutions for up to 6,000 DPs in the country. During the year, the government made significant progress in the implementation of the RHP, which enabled the closure of all collective accommodation facilities.

The government continued to encourage IDPs and DPs to return to their places of origin, but most preferred to remain in the country.

g. Stateless Persons

As of the end of July, 459 persons were at risk of statelessness. Through the 2018 Law on Foreigners, the government introduced a statelessness determination procedure in its legal system. By mid-2022, nine persons had been recognized as stateless through this procedure. Several procedural shortcomings, as well as the access to basic rights for both those who initiated a stateless determination procedure and those who have been granted stateless status, remained an area of concern.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held presidential elections in 2018. The ODIHR observation mission to the elections noted in its final report that although the candidate nominated by the governing party held an institutional advantage, fundamental freedoms were respected. Candidates campaigned freely, and media provided the contestants with a platform to present their views. The technical aspects of the election were adequately managed, although observers noted the transparency and professionalism of the State Election Commission remained matters of concern. Election day proceeded in an orderly manner despite a few observed procedural irregularities.

The country held parliamentary elections in August 2020. The elections were competitive and took place in an environment highly polarized over topics of religion and national identity. ODIHR stated the elections were transparent and efficient overall but highlighted that the ruling party gained an undue advantage through misuse of office and state resources and dominant media coverage. ODIHR also found the State Election Commission did not entirely fulfill its regulatory role, leaving many aspects related to voter registration unaddressed and failing to provide clear recommendations for protecting the health of voters and facilitating mobile voting by voters in quarantine. ODIHR further noted the

elections took place amid concerns about the government's inconsistent adherence to the constitution, including calling early elections without shortening parliament's mandate, introducing pandemic-related restrictions on public gatherings and rallies without parliament calling a state of emergency, and initiating criminal proceedings and arrests for several members of parliament without a prior waiver of their immunity by parliament.

The European Network of Election Monitoring Organizations and ODIHR observers noted that election day was calm and peaceful but identified a few cases of minor irregularities that did not affect the electoral process. ODIHR found that the lack of independent campaign coverage by media further undermined the quality of information available to voters. In the August 2020 election, opposition parties won a majority of the seats in parliament for the first time in 30 years.

Political Parties and Political Participation: Political parties were able to form and operate freely. The governments of Prime Ministers Zdravko Krivokapic and Dritan Abazovic continued the previous tradition of using state administration and state-owned companies for political patronage, known as “party employment.” According to NGOs, political leaders continued to view employment in state-owned companies and central and local government agencies as a significant resource that could be leveraged in future local and national elections. Analysts believed that the parties of the new ruling majority fought over installation of their supporters in these organizations to gain a structural advantage over the opposition in future elections.

Media reported that 25 school directors dismissed in July 2021 by former Education Minister Vesna Bratic won preliminary court verdicts that their dismissals were improper and politically motivated. While the verdicts still needed to be confirmed by higher courts, media indicated there were 140 additional cases pending, and the damages owed by the ministry to the former school directors could be significant. Bratic claimed that removals were necessary to depoliticize the educational system, alleging that the dismissed principals were originally appointed because of their affiliation with the former ruling parties.

On August 17, parliament approved legislation that paved the way for Zeta to become an independent municipality. Pundits criticized the move as the residents

of what had been the Podgorica urban municipality of Golubovci were not eligible to vote in the October 23 Podgorica local elections. They argued that the ruling majority engineered the establishment of Zeta to reduce the number of pro-Serbian voters in Podgorica and help the ruling party retain power in the capital.

Participation of Women and Members of Minority Groups: No laws formally limit the participation of women or members of minority groups in the political process, and they did participate. Although the law provides representation to minority-affiliated parties that win less than 3 percent of the vote or constitute less than 15 percent of the population, the law does not apply to the Romani community. There were no political representatives of Roma, Ashkali, or Balkan-Egyptians at the national or municipal level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a significant problem. There were numerous media and NGO reports that both the previous and current governments continued old patterns of corruption. The public viewed corruption in hiring practices based on personal relationships or political affiliation as endemic in the government and elsewhere in the public sector at both local and national levels, particularly in the areas of health care, higher education, the judiciary, customs, political parties, police, the armed forces, urban planning, and the construction industry.

The Agency for the Prevention of Corruption (APC) continued capacity-building activities and technical assistance during the year, but domestic NGOs were critical of the agency's lack of transparency and overall efficacy. NGOs continued to criticize the APC's practice of not engaging with cases of alleged corruption dating prior to the agency's formation in 2016. The APC argued such cases were outside its mandate; an argument the Administrative Court struck down in 2018. NGOs also criticized the APC for insufficiently investigating campaign finances. The European Commission noted that problems related to the APC's integrity, impartiality, and accountability continued.

Agencies tasked with fighting corruption acknowledged that cooperation and information sharing among them was inadequate. The persistence of handwritten records continued to hamper effective data management, particularly in the context of asset declarations data. Politicization of public servants, poor salaries, and lack of motivation and training provided fertile ground for corruption.

NGOs noted that despite occasional high-profile arrests, the continued lack of indictments in corruption and related organized crime cases further eroded the efficacy of anti-corruption efforts.

Corruption: The former president of the Supreme Court, Vesna Medenica, and her son Milos Medenica were arrested in April and May, respectively, on suspicion of abuse of office and for their alleged participation in the creation of a criminal organization. The arrests followed media publication of transcripts of alleged encrypted conversations by Milos Medenica, who claimed that his mother used her position to protect his criminal activities and influence court actions. In October, the Special State Prosecutor's Office filed an indictment against Vesna Medenica accusing her of being part of a criminal organization created by her son. The indictment also accused her son and 10 other individuals of smuggling, giving and receiving bribes, illegal influence, and the unauthorized production, possession, and marketing of narcotics.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated, generally without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed this cooperation was uneven and noted that the government selectively ignored their requests for information under the Law on Free Access to Information.

Government Human Rights Bodies: The ombudsman served within the Office of the Protector of Human Rights to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment as well as discrimination. The

Office of the Protector of Human Rights may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access all documents, irrespective of their level of secrecy, relating to detainees or convicts and talk to prisoners or detainees without the presence of officials. The office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays, obvious procedural violations, or failure to carry out court decisions. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate particular human rights problems upon request of a competent body, address general problems important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms.

Upon finding a violation of human rights by a government agency, the ombudsman may request remedial measures, including dismissal of the violator, and evaluate how well the agency implemented the remedial measures. Failure to comply with the ombudsman's request for corrective action is punishable by fines of €500 to €2,500 (\$575 to \$2,880).

The government and courts generally implemented the ombudsman's recommendations, although often with delays. The ombudsman operated without government or party interference and enjoyed cooperation from NGOs.

Parliament has a 13-member Standing Committee for Human Rights and Freedoms and a 13-member Standing Committee for Gender Equality. In April the former Ministry of Justice, Human and Minority Rights was restructured, and the Ministry of Human and Minority Rights was established.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of a person, including spousal rape and domestic or intimate partner violence. Authorities generally enforced the law. In most cases the penalty provided by law for rape, including

spousal rape, is one to 10 years in prison, although the law permits lower sentences in cases where there are exceptionally extenuating circumstances or a significant lack of evidence. Actual sentences were generally lenient, averaging three years. Judges often used questionable methods, including forcing confrontations between survivors and alleged perpetrators, to assess the credibility of survivors. Domestic violence is generally punishable by a fine or a one-year prison sentence. According to court data acquired by the NGO Women's Right Center's (WRC), in 2021 there were 2,176 misdemeanor cases of domestic violence and 282 criminal offenses. The WRC noted that state prosecutors were more likely to opt for lesser charges for the offense. NGOs expressed concern about the security of the courtrooms where survivors were often forced to meet with alleged abusers. NGOs also pointed to inadequate protection of survivors, with protection orders being used in only a limited manner, and a lack of specialized services for sexual violence survivors, women with disabilities, and survivors of child marriages in Roma communities.

In 2021, the United Nations Development Program (UNDP) estimated one in three women in the country experienced some form of violence during their lifetime, while UNICEF estimated 12 percent of survivors reported the violence to authorities. According to NGO reports, domestic violence survivors continued to experience difficulties having their cases prosecuted in the judicial system, promoting an atmosphere of impunity for abusers. Lengthy trials, economic dependency, societal norms, and a lack of alternative housing often forced survivors and perpetrators to continue to live together.

Police response to domestic violence was also reported to be substandard, with officers often counseling women to “forgive” their attackers or to “not harm their (the attackers’) job prospects.”

On January 22, a pregnant woman, Zumrita Nerda, age 27, died after allegedly being attacked by her husband over the course of two days in their home. Nerda had previously sought protection for herself and her three minor children. On February 4, the Operational Team for the Fight Against Domestic Violence and Violence Against Women concluded that the Center for Social Work in Bar, the Security Center in Bar, the Basic State Prosecutor's Office in Bar, and the Court for Misdemeanors in Budva-Department in Bar collectively were “careless” and

“inadequate” in their handling of Nerda’s case. Her husband was arrested and subsequently charged with murder. His trial remained in progress at year’s end.

Domestic violence remained a persistent and serious problem in all communities. The government did not seriously attempt to address the problem. The law permits survivors to obtain restraining orders against abusers. When the abuser and survivor live together, authorities may remove the abuser from the property, regardless of ownership rights. This was rarely done, and NGOs reported that, as a result of the Ministry of Health’s COVID-19 restrictive measures, women spent more time with abusers.

Roma and Balkan-Egyptian women often faced increased barriers to escaping domestic violence, including potential condemnation and abandonment by their broader family and loss of access to their children. Apart from the “SOS Hotline Niksic” domestic violence shelter, which offered consultation services in Albanian and Romani, there was a lack of survivor support resources available in either language.

According to NGOs and the ombudsman, women survivors of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. NGOs reported that state institutions did not provide physical protection for survivors.

The government, in cooperation with the NGO “SOS Hotline Niksic,” operated a free hotline for survivors of family violence. “SOS Hotline Niksic” reported a steady rise in domestic violence cases since 2019, driven by both increased reporting and the economic and psychological stresses of COVID-19. From January to August, they hosted 53 possible survivors of domestic violence (both women and children) in their shelter, a 6 percent increase from the same period in 2021. They provided services to 2,230 persons from January until August, a 13.9 percent increase from the same period in 2021. Similarly, in the first eight months of 2022, the NGO Women’s Safe House’s domestic violence shelter received 86 survivors, up from 75 for the entirety of 2021.

The NGO Women’s Lobby noted that the government did not provide sufficient funding to cover all expenses for either the SOS Human Trafficking hotline or the

SOS Domestic violence hotline.

Sexual Harassment: Sexual harassment is not defined as a crime under the law. The government did not seriously attempt to address the problem. According to the Center for Women's Rights, sexual harassment, including street harassment, of women occurred often, but few women reported it. Public awareness of the problem remained low. Survivors hesitated to report harassment in the workplace due to fears of employer reprisals and a lack of information about legal remedies. Stalking or predatory behavior with physical intimidation is punishable by law with a fine or up to three years' imprisonment.

In February an employee of an elementary school in Podgorica filed an official complaint with the then Ministry of Education, Science, Culture, and Sport, the Office of the Ombudsman, and the police, accusing the school's principal of sexual harassment over the course of several months. Following receipt of her complaint, the Misdemeanor Court charged the principal with "insolent behavior" and the ombudsman opened an investigation. The Ministry of Education, Science, Culture, and Sport allegedly did not respond to the employee's complaint.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities; however, the government continued to require sterilization of transgender individuals to confer legal recognition of gender identity despite the lack of legal basis for this practice.

Access to Sexual and Reproductive Health Services: While free health care was available to citizens, health care costs acted as a barrier for noncitizens and those lacking identification documents to access regular prenatal care. NGOs reported Roma and Balkan-Egyptian women often had insufficient access to healthcare education, resulting in high-risk deliveries outside of healthcare institutions. NGOs noted Romani and Balkan-Egyptian women had limited access to gynecologists, obstetricians, or doctors.

Romani and Balkan-Egyptian women able to access these services often reported discriminatory treatment, including verbal harassment. Women outside these communities also reported verbal harassment when accessing reproductive health services. NGOs noted that such harassment was often unreported due to

inadequate survivor support mechanisms. NGOs reported that, depending on the location, there was one gynecologist per 5,000 to 8,000 women, which affected women's access to routine health services during pregnancy and childbirth.

According to a 2021 study by the Centre for Investigative Journalism Montenegro (CIN-CG), women in maternity wards regularly experienced nonconsensual birthing practices, including episiotomies, enemas, abdominal compressions, and shaving of the pubic area.

Although there were no legal barriers to contraception, a 2020 United Nations Population Fund report indicated the country had enacted only 37 percent of legislation and regulations necessary to provide for full and equal access to contraceptive services. According to NGOs, there was a lack of publicly available information and appropriate educational programs, and economic status and restrictions by partners were barriers preventing women from using contraception.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including services for the management of complications arising from abortion; however, the government services did not include emergency contraception. NGOs stated that these services were often not tailored to those experiencing sexual violence and that persons performing examinations sometimes lacked the necessary expertise to prepare a valid forensic report. Survivors also often waited up to seven days for an examination, and there was no specialized center for supporting survivors of sexual violence. In October, a gynecologist from the main public health center in Podgorica refused to perform an urgent examination of a rape survivor, stating that he did not have necessary approval to perform the medical examination. This incident provoked widespread criticism by NGOs. The Association of Gynecologists of Montenegro responded by claiming the doctor made a mistake when he refused to examine the patient. The association highlighted the lack of protocols for medical examinations of survivors of rape or sexual violence.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property inheritance, employment, access to credit, and owning or managing businesses or property. All property acquired during

marriage is joint property. The government enforced these laws somewhat effectively. The NGO SOS noted, however, that women often had trouble in defending their property rights in divorce proceedings due to the widespread public belief that property belongs to the man. Sometimes women ceded their inherited property and inheritance rights to male relatives due to tradition and pressure from their families. Men consequently tended to be favored in the distribution of property ownership, sometimes limiting a woman's options in the cases of domestic violence or divorce. Women continued to experience discrimination in employment, salaries, and access to pension benefits (see section 7.d.).

The Department for Gender Equality, within the Ministry of Human and Minority Rights, worked to inform women of their rights, and parliament has a committee on gender equality. Association Spectra noted that the Ministry of Human and Minority Rights does not mention the human rights of transgender, gender nonbinary and intersex persons in its rulebook, as these persons' rights are not perceived as an integral part of gender equality.

The government has a 2021-25 strategy on gender equality. The *2020 Gender Equality Index for Montenegro* (55) is 12 points below the EU-28 average (67.4), mostly relating to insufficient political and social participation of women, economic inequality, and unequal division of responsibilities. Difficulties remain, notably in relation to women's access to work, vocational training, employment, and working conditions; they also remain underrepresented in political and economic decision making. Roma and Balkan-Egyptian women as well as women in rural areas of the north continued to face discrimination and barriers to employment.

Throughout the year women political figures were the target of public, misogynistic insults, and occasional death threats, both online and in comments by public figures. For example, in March, member of parliament Dragica Sekulic was the target of sexist insults online following her criticism of inconsistency in proposed maternity benefits. A Facebook page, Volim Podgorica, generated hundreds of comments criticizing Sekulic based on her gender. NGOs, some political parties, and members of parliament criticized the comments, but they remained online for several days, in contravention of the Media Law, which stipulates that online portals must remove hateful comments within one hour of

learning of their existence.

According to Romani rights NGOs, one-half of Romani women between the ages of 15 and 24 were illiterate. Romani women often faced double discrimination based on their gender and ethnicity.

Systemic Racial or Ethnic Violence and Discrimination

The government did not enforce the laws protecting members of racial or ethnic minorities against violence effectively. The Law on Minority Rights and Freedoms ensures the protection of human rights and freedoms guaranteed to all citizens, including protection of the right to publicly manifest national, ethnic, cultural, religious, and linguistic identity. Roma, Ashkali, and Balkan-Egyptians remained the most vulnerable victims of discrimination. The groups had limited access to social services due to a lack of required government documentation. The Law on Citizenship and its accompanying regulations make obtaining citizenship difficult for persons without personal identity documents or for those individuals born outside of a hospital. Access to health care services, including childbirth, remained challenging for members of these communities due to their lack of medical-care cards. The NGO Phiren Amenca-Walk With Us identified 198 adults and 216 children in one Roma settlement in Podgorica without legal status, many of whom were at risk of becoming stateless. During the year the NGO provided legal and financial assistance to 80 Roma persons and assisted those who needed help in requesting personal documentation.

According to the Roma Education Fund, the poverty rate among Roma, Ashkali, and Balkan-Egyptians remained higher than for the general population. Many Roma, Ashkali, and Balkan-Egyptians lived in informal settlements that often lacked services such as public utilities, medical care, and sewage disposal. NGOs reported that several Romani neighborhoods did not have running water, which prevented, for example, the Vreli Ribnicki Romani community from complying with health recommendations. The NGO Young Roma stated that one of the biggest problems for the Romani community living in informal settlements was the risk of eviction, especially in the southern part of the country. According to the NGO Center for the Affirmation of Roma and Egyptian Population, the Roma and Balkan-Egyptian population, particularly children, faced discrimination during

schooling, problems arising from unresolved legal status, lack of employment opportunities, and poor housing (also see section 6, Children, Education).

According to a 2022 study by the NGOs Center for Roma Initiatives and CIN-CG, Roma, Ashkali, and Balkan-Egyptians faced discrimination in the labor market, including through racial discrimination, the use of short-term, insecure job contracts, and comparatively lower wages than the public.

The government claimed to have implemented the *Strategy for Social Inclusion of Roma and Egyptians 2021-2025*, and adopted an *Action Plan for 2022-2023*, but according to the NGOs the working group for monitoring its implementation met rarely.

Albanians and Bosniaks in the southern and northeastern parts of the country also frequently alleged they were victims of discrimination by the government and argued they suffered from economic neglect.

Government-supported national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma represented the interests of those groups. NGOs, legal observers, and media outlets continued to accuse the government of misappropriating money from a fund established to finance the national councils.

Children

Birth Registration: Children derive citizenship from their parents and, under some circumstances, by birth in the country, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Birth registration was provided on a nondiscriminatory basis. There are no differences in birth registration between girls and boys. Registration of birth, a responsibility of the parents, is required for a child to have the necessary documents to establish his or her citizenship. Births of all children in hospitals and medical institutions were registered automatically. The parents of Romani, Ashkali, and Balkan-Egyptian children not born in hospitals registered their births at much lower rates than other groups, mostly due to lack of awareness of the registration process or the parents' own lack of identification documents. NGOs asserted it was difficult for the unregistered children of Romani and Balkan-Egyptian parents to access such government services as health care, social allowances, and education. Of the

Romani and Balkan-Egyptian children in primary school, 10 percent were not registered.

Education: The law provides for free, compulsory elementary education for all children. Secondary education is free but not compulsory. Enrollment in secondary education starts at the ages of 14 or 15. NGOs reported that the end of elementary education represented one of the most vulnerable moments for Roma and Balkan-Egyptian children, especially girls, since without school attendance monitoring, children were vulnerable to underage marriages. A 2021 UNICEF study on Multidimensional Child Poverty in Montenegro noted that children in rural areas faced additional hurdles to educational access in comparison to their peers in urban areas, and that Roma and Balkan-Egyptian children continued to experience additional barriers to accessing education. The study noted a lack of clothing and shoes needed to attend school, as well as social stigma and shame, were among the difficulties faced by poorer children in accessing education.

A Center for Roma Initiatives study exploring the reasons for low enrollment in school specifically among the Roma and Balkan-Egyptian population similarly cited the inability of some parents to provide children with appropriate attire or money for lunch and snacks. The study also noted Roma and Balkan-Egyptian students faced challenges such as the inability of children to integrate into peer groups due to discrimination, family migration, language barriers, and low achievement partially due to low expectations from teaching staff. High unemployment rates among Roma and Balkan-Egyptian children who graduated from secondary school were common. For Roma and Balkan-Egyptian girls, education was sometimes pejoratively associated with the postponement of marriage (See section 6, Children, Child, Early, and Forced Marriage).

Roma NGOs claimed that there were serious shortcomings in the quality of education that Roma children received, and that a significant number of Roma children had problems with basic literacy. Parents of Roma and Egyptian students noted the government occasionally failed to provide transportation for their children to school, even when their children were required to attend schools further from their homes as part of government integration efforts.

Child Abuse: Penalties for child abuse range from a year in prison for violence

without a weapon to 12 years' imprisonment for actions that result in the victim's death; however, severe penalties were rarely imposed and short prison stays, suspended sentences, or small fines were the norm.

The law prescribes that a perpetrator of sexual offenses against a minor be punished by a fine or maximum two years of imprisonment for illicit sexual activity committed against a child; imprisonment for two to 10 years if the act caused grievous bodily injuries to the child or if the act was committed by several persons or in a particularly cruel or degrading manner. If, as a result of the act, the child died, the perpetrator is punishable by imprisonment for a term between three and 15 years.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 in most cases, but persons as young as 16 may marry with the consent of a court or a parent. Punishment for arranging forced marriages ranges from six months to five years in prison, but convictions were rare, generally due to a lack of evidence or poor understanding of the law.

Child marriage continued to be a serious problem in the Romani and Balkan-Egyptian communities. According to UNICEF, 32 percent of Romani girls and one in six Romani boys between ages 15 and 19 were married. There continued to be reports of underage girls being sold into "traditional" or "arranged" marriages without their consent, including to persons in neighboring countries. These marriages generally did not meet the criteria necessary for legal, documented marriages. As such, they were difficult to track and regulate, regardless of legality.

The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Balkan-Egyptian communities. Brides found not to be virgins prior to marriage faced severe repercussions, including violence, from the groom's family, their family, and the community at large.

The government implemented some measures to prevent underage marriage, including enforcing mandatory school education.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking, including acts involving child pornography. The

government partially enforced the law. The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or imprison for one to 10 years any person found guilty of inducing a minor into prostitution.

Child pornography is illegal, and sentences for violators range from six months in prison for displaying child pornography to eight years for using a child in the production of pornography. Authorities enforced the law. According to the government's 2022 Serious and Organized Crime Threat Assessment, the availability of child sexual abuse material online increased.

In her January report on the country, the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, including Child Prostitution, Child Pornography, and other Child Sexual Abuse Material, noted that children in transit, including asylum seekers, migrant children, and refugees were at risk of exploitation. According to the report, there were allegations of children trafficked for sexual exploitation in clubs, hotels, and yachts along the coast. The lack of adequate, systemic, centralized, and disaggregated data on child sexual exploitation was a persistent challenge.

In August police reported that from 2016 to 2022 they discovered nine cases of child pornography. The police stated that they filed nine criminal charges and seized more than 400,000 photos and videos of children being sexually abused.

Institutionalized Children: During the year there was one institution dedicated to orphaned children with disabilities, the Small Group Community Home for Children with Developmental Disabilities, in Bijelo Polje, where nine children resided. According to the Ministry of Labor and Social Welfare, the home was organized to emulate a family environment, with children staying in "family groups," based on their age and gender. Children were integrated into local communities, attended school, and engaged in sports and other activities.

Antisemitism

The Jewish community population was estimated to be approximately 400 to 500 individuals. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There are no laws criminalizing consensual same-sex sexual conduct between adults or so-called cross-dressing.

Violence against LGBTQI+ Persons: In July unknown persons defaced the premises of the LGBTQI Drop-In Center in Podgorica with homophobic and antisemitic graffiti, including the phrase “Death to (homophobic slur)” and swastikas. Following the attack, the president of the board of directors for the NGO Queer Montenegro, Danijel Kaludjerovic, received death threats. The center came under attack again in December when six young men, mostly underage, threatened the staff and clients of the center and damaged the premises with metal bars. After the incident, Juventas, the NGO that manages the center, called on “the public, decision makers, and the international community” to make efforts “to stop the increasing hatred and intolerance, which have become part of everyday life in Montenegro.”

Discrimination: The law forbids incitement of hatred based on sexual orientation and prohibits discrimination against individuals based on sexual orientation or gender identity. The government partially enforced the law. Lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons enjoy some degree of societal acceptance; however, discrimination and abuse are prevalent. Anti-LGBTQI+ bias is an aggravating circumstance in the prosecution of hate crimes.

In June, the NGO LGBT Forum Progress filed a lawsuit against the government for discriminatory application of the Law on Same-Sex Partnership, which prohibits the recognition of same-sex marriages conducted abroad.

The sole LGBTQI+ shelter, previously run by LGBT Forum Progress, closed in January due to a lack of funding. During the decade of its operation, the shelter

provided immediate housing and protection to more than 200 economically dependent LGBTQI+ persons who were rejected by their families.

Availability of Legal Gender Recognition: The government continued to require sterilization, gender-affirming surgery, and compulsory divorce if married as prerequisites for transgender individuals seeking legal gender recognition. There is no option for legal recognition of nonbinary gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There is no ban on involuntary or coercive so-called conversion therapy practices on the grounds of LGBTQI+ identities or sexual orientation. During the year there were no reported instances of forced or involuntary conversion therapy to authorities; however, stigma and discrimination may limit individuals' willingness or ability to report.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on the rights of LGBTQI+ persons to freedom of expression, association, or peaceful assembly.

Persons with Disabilities

Persons with disabilities did not have access to education, health services, public buildings, and transportation on an equal basis with others. The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. According to UNDP, persons with disabilities often faced a lack of access to information on government support resources, including the right to a disability assessment and professional rehabilitation. Persons with disabilities also frequently faced lengthy delays in receiving government assistance.

Authorities generally enforced the legal requirement that new public buildings be accessible to persons with disabilities, but most public facilities, including buildings and public transportation, were older and lacked access. The government offered subsidies to employers who hired persons with disabilities, including supplementing salaries and offering funds for workplace accommodations. However, persons with disabilities continued to face employment discrimination.

Despite legal protections, persons with disabilities often hesitated to file charges

against persons or institutions violating their rights. Observers ascribed this reluctance to the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities.

The NGO Association of Youths with Disabilities noted that the failure of the Council for Care of Persons with Disabilities to hold any session during the year led to a lack of institutional mechanisms for persons with disabilities to engage with the government and their subsequent exclusion from decision-making processes.

According to NGOs, services at the local level to children with mental and physical disabilities remained inadequate. There continued to be a lack of centralized data on the total number of children with disabilities. Associations of parents of children with disabilities were the primary providers of these services. The law permits parents or guardians of persons with disabilities to work half-time, but employers often did not respect this right. Paid leave was not ensured to some parents of children with disabilities. There were no daycare centers available specifically for children with disabilities.

The government made efforts to enable students with disabilities to attend schools and universities, but the quality of the education they received and the facilities to accommodate them remained inadequate at all levels. NGOs reported that no child with a disability was admitted to a gymnasium, a type of preparatory school for students seeking postsecondary education.

NGOs also stated that supported-living assistance at home and similar services were not provided to families and parents of children with disabilities, as these services are not required under the law. The COVID-19 pandemic further complicated the schooling of children with disabilities, many of whom remained without adequate teaching assistance.

Persons with disabilities were often institutionalized or encouraged towards institutions, which perpetuated stigmatization. Persons with physical disabilities also had difficulty obtaining high-quality medical devices through health and social insurance to facilitate their mobility.

Other Societal Violence or Discrimination: The NGOs Juventas and the Montenegrin HIV Foundation stated that persons with HIV and AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records discouraged many persons from seeking testing for HIV. NGOs reported patients often faced discrimination by medical personnel and received inadequate treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, including members of the armed forces, to form and join independent trade unions, bargain collectively, and conduct legal strikes. To represent workers in collective bargaining at the enterprise level, a union must count at least 20 percent of the workforce in the enterprise as members. To act as a worker representative in a sector, group, or branch of industry, a trade union must include at least 15 percent of the total workforce in that sector, group, or branch. The law prohibits discrimination against union members or those seeking to organize a union and requires the reinstatement of workers dismissed for union activity.

The law requires employers to consult with a labor union (or employee representatives) and notify the Employment Agency about the consultations in cases of a collective layoff (i.e., dismissal of at least 20 employees over a 90-day period). All employment agreements must contain a reference to bargaining agreements being applied with the employer, which must be registered with the Ministry of Labor and Social Welfare.

The government generally enforced the law. Penalties for violations were commensurate with those under other laws related to denials of civil rights. Penalties were regularly applied against violators. Workers exercised their right to join unions and engage in collective bargaining, although not always without employer interference.

While the government generally respected freedom of association, employers often

intimidated workers engaged in union activity. According to the Union of Free Trade Unions, workers in the trade sector were intimidated when establishing their union, and they belonged to the category of workers whose rights were the most endangered.

Although allowed by law, collective bargaining remained rare. The government continued to be party to collective negotiations at the national level. Only the union with the largest registered membership at any given level was entitled to bargain, negotiate settlements of collective labor disputes, and participate in other government bodies. Trade unions stated that despite negotiations beginning in May 2020, the General Collective Agreement (OKU) was still not concluded, although it was supposed to be signed no later than one year after the entry into force of the 2020 Labor Law. The unions stated that the OKU was important for tens of thousands of employees, particularly in those sectors in which there were no collective agreements concluded with employers.

The right to strike is restricted for public servants whose absence from work would jeopardize public interests, national security, the safety of persons and property, or the functioning of the government. International observers noted that the range of professions in which strikes are proscribed exceeds international standards. Employers may unilaterally establish minimum service requirements if negotiations with trade unions fail to lead to an agreement.

Management and local authorities often blocked attempts to organize strikes by declaring them illegal, citing lack of legally required advance notice, which ranges from two to 10 days, depending on circumstances. There were reports from employees in both the private and public sectors that employers threatened or otherwise intimidated workers who engaged in union organizing or in other legal union activities. In some instances, private employers reduced workers' salaries or dismissed employees because of their union activities.

Employees of privatized or bankrupt companies were eligible for back pay and severance although outstanding claims remained. Workers occasionally were not able to collect on their claims, despite valid court decisions in their favor. Several local governments failed to pay their staff for months at a time. Trade unions claimed workers were largely unaware of their rights and afraid of retaliation if

they initiated complaints.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and authorities made efforts to investigate or identify victims of forced labor in the formal economy. Penalties under the law for offenses related to forced labor were commensurate with those for other serious crimes.

There were reports of Romani girls forced into domestic servitude and of children forced to beg, mostly by their families (see section 7.c.). Migrants from neighboring countries were vulnerable to forced labor during the summer tourist season. There were no reports of prosecutions or convictions.

Also see the State Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion or other affiliation, national origin, citizenship, disability, sexual orientation, gender identity, age, language, pregnancy, marital status, social status or origin, membership in political and trade union organizations, or health conditions, including HIV-positive status and other communicable diseases. The government did not enforce antidiscrimination laws and regulations effectively, and there were instances of discrimination. Penalties for violations were not commensurate with those for other crimes related to denials of civil rights. Penalties were rarely applied against violators.

A November study by the Centre for Civic Education reported 94.1 percent of individuals polled said they experienced or believed there was political discrimination, primarily observed in employment. Persons with disabilities faced

significant discrimination in employment, despite affirmative action programs that provided significant financial incentives to employers to hire persons with disabilities. Although the state employment agency did not track the employment rate of persons with disabilities, it reported that 25.6 percent of unemployed persons were persons with disabilities. Advocates noted there were too few training programs for persons with disabilities to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities. NGOs reported employers often chose to pay fines rather than employ a person with a disability.

Women were occasionally subjected to discrimination in employment based on their marital status, pregnancy, or physical appearance. Most victims were discouraged from reporting incidents due to gender-based violence, harassment, and discrimination according to the Union of Free Trade Unions. An April study by the NGO Women's Rights Center said 44 percent of women reported they had experienced at least one form of sexual harassment at work. Women also faced discrimination in access to pension benefits, since the legal age at which men and women could retire and access both full and partial pension benefits were not the same.

Bosniaks, who accounted for 9 percent of the country's population, constituted 6 percent of the government workforce. Roma, Ashkali, and Balkan-Egyptian, displaced persons, refugees, and migrant workers faced employment discrimination. The Center for Roma Initiative's joint study noted that members of the Roma and Balkan-Egyptian minorities in particular experienced employment discrimination. Migrant workers from Serbia, Bosnia and Herzegovina, North Macedonia, or Albania typically worked on construction sites and in agriculture, where they were more likely to be subjected to discrimination due to limited oversight. There were also instances of discrimination against unregistered domestic and foreign workers.

e. Acceptable Conditions of Work

Wage and Hour Laws: According to the National Statistics Office, the national monthly minimum wage was slightly above the government's absolute poverty line. Significant portions of the workforce, particularly in rural areas and in the

informal sector, earned less than the minimum wage.

The law limits overtime to 10 hours per week, and total work time cannot exceed 48 work hours per week on average within a four-month period, but seasonal workers often worked much longer.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were current and appropriate for the main industries. Regulations require employers and supervisors to supply and enforce the use of safety equipment, conduct risk assessment analysis, and report any workplace deaths or serious injuries within 24 hours.

The Labor Inspectorate is responsible for enforcing wage, hour, and OSH laws. The number of labor inspectors was sufficient to enforce compliance in the formal economy. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations, although they rarely exercised this authority. Labor inspectors have the authority to make unannounced inspections.

Employment in the construction, energy, wood-processing, transportation, and heavy industries presented the highest risk of injury. Press reports noted that 75 percent of past construction worker deaths were caused by falling from a significant height. In September, several workers were injured, one of them seriously, when a structure collapsed during construction work in Podgorica. Most of the injured were foreign nationals. Common causes of injuries on construction sites were unsecured workstations at a height and lack of use of protective equipment. The most frequent reasons cited for unsafe working conditions were the lenient fines for violations of safety rules, failure to use safety equipment, lack of work-related information and training, inadequate medical care for workers, and old or inadequately maintained equipment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage and overtime laws, although penalties for violations were commensurate with those for other similar crimes. Penalties were rarely applied against violators.

Many workers, particularly women employed in the commercial, catering, and

service industries, worked unpaid overtime, and employers sometimes forced them to work on religious holidays without additional compensation or to forgo their rights to weekly and annual leave. Employers sometimes failed to pay the minimum wage, other employee benefits, or mandatory contributions to pension funds. Employees often did not report such violations due to fear of retaliation. The practice of only formally paying a worker the minimum wage, thus being responsible for lower mandatory contributions, and giving the employee cash payments as a supplement was common. Also common was the practice of signing short-term work contracts or having lengthy “trial” periods for workers instead of signing them to permanent contracts as prescribed by law.

Administrative and judicial procedures were subject to lengthy delays and appeals, sometimes taking years. As a result, many persons sought recourse through alternative dispute resolution. Most disputes reviewed by the Agency for Peaceful Resolution of Labor Disputes involved accusations of government institutions violating laws on overtime, night work, holidays, social insurance contribution requirements, or other administrative regulations.

Penalties for violations of occupational health and safety standards were generally commensurate with those for other similar crimes in the formal sector. The number of labor inspectors was sufficient to enforce compliance in the formal economy. The inspectors have the authority to make unannounced inspections and initiate sanctions, but rarely did so.

Informal Sector: Migrant workers working illegally did not have association rights due to their employment status. A 2021 report by the European Commission estimated the informal economy at 26 to 31 percent of the country’s gross domestic product (GDP), with large numbers of workers officially earning only the minimum wage but receiving additional payments in cash out of sight of the tax authorities. The World Bank report estimated that the grey economy accounted for 20.6 percent of GDP. Resources, remediation efforts, and investigations were not adequate to successfully identify, enforce, or prevent violations in the informal economy. The Union of Free Trade Unions reported that approximately 40,000 persons were employed in the informal economy.